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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,219	10/30/2003	James N. Frisch	27600/M282A	9787
7590 10/08/2004				
GROSSMAN & FLIGHT, LLC 20 NORTH WACKER DRIVE SUITE 4220 CHICAGO, IL 60606			EXAMINER HAMDAN, WASSEEM H	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/697,219	Applicant(s) FRISCH, JAMES N.	
	Examiner Wasseem H Hamdan	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 9-14, 16 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/05/2004</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|--|---|

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “comparing the measured ink density of the printed test screening pattern to the test screening pattern to obtain a plugging indication representative of the ink density of the printed test screening at which the printed test screening pattern exceeds that representing by a solid screening” that recited in claims 1, 9 and 15 has no support in the specification.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “the controller being programmed to compare the maximum ink density of the printed test screening with the maximum screening density representing a solid screening to determine a plugging indication” that recited in claim 19 has no support in the specification.

Claim Objections

3. Claims 1-18 are objected to because of the following informalities: claims 1, 9 and 15 recite “comparing the measured ink density of the printed test screening pattern to the test screening pattern to obtain a plugging indication representative of the ink density of the printed test screening at which the printed test screening pattern exceeds that representing by a solid screening”, the examiner understands the claim limitations in lieu of the specification, but the

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claim language does not flow properly, so that one skilled in the art can easily recognize which two densities are in the comparing step? Appropriate correction is required.

4. Claims 19-22 are objected to because of the following informalities: claim 19 recites “the controller being programmed to compare the maximum ink density of the printed test screening with the maximum screening density representing a solid screening to determine a plugging indication”, the examiner understands the claim limitations in lieu of the specification, but the claim language does not flow properly, so that one skilled in the art can easily recognize which two densities are compared by the programmed controller? Appropriate correction is required.

Drawings

5. The drawings are objected to because box 18 of FIG. 2, needs a descriptive legend such as “CONTROLLER”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be

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labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunner (US Patent 4,852,485).

Regarding claims 1 and 15, Brunner discloses a method for print screen tonal control compensation [Fig. 2; column 1, lines 6-16] on a printing press [Fig. 1; Fig. 2], the method comprising the steps of:

providing a test screening pattern [column 2, lines 25-26] having a plurality of predetermined screening densities including a maximum screening density [column 2, lines 40-41],

causing the printing press to print the test screening pattern in ink [column 2, line 49; lines 64-65];

measuring an ink density [column 2, lines 39-41] of at least a portion of the printed test screening pattern using a densitometric meter [45];

comparing the measured ink density of the printed test screening pattern [column 2, lines 41-44] to the test screening pattern [column 2, lines 41-45] to obtain a plugging indication [column 2, lines 40-41 (in the broadest reasonable interpretation of the claim language about the “plugging” which means, when the densities are solid to the point that they are connected, so that the patches become solid, i.e. the surfaces completely covered with printing ink, and hence the limitations reads on the Brunner’s, see Brunner column 2, lines 8-10)] representative of the ink density of the printed test screening at which the printed test screening pattern exceeds that representing by a solid screening [column 2, lines 39-48]; and

adjusting the printing press in accordance with the plugging indication [column 2, lines 50-52; column 6, lines 27-31; 60-61; column 7, lines 66-68; column 10, lines 23-36].

Regarding claim 2, Brunner discloses wherein the maximum screening density represents a solid screening [column 2, line 9-11; lines 40-42].

Regarding claims 3 and 17, Brunner discloses wherein the printing press prints for a particular paper [4] and a particular ink type [2] and wherein the step of providing a test screening pattern further comprises the step of selecting the test screening pattern in dependence upon at least one of the particular paper and the particular ink [column 2, lines 64-67].

Regarding claims 4 and 18, Brunner discloses wherein the step of providing a test screening pattern further comprises the step of generating the test screening pattern on a computer [65].

Regarding claim 5, Brunner discloses wherein the compensation is undertaken a number of times [column 7, lines 63-64; column 8, lines 2-4].

Regarding claim 6, Brunner discloses wherein the compensation is undertaken until the plugging indication is not less than the maximum screening density of the test screening pattern [column 8, lines 2-4].

Regarding claim 8, Brunner r discloses wherein the densitometric meter is one of a photospectrometer, densitometer, or combination thereof [45].

Regarding claim 15, Brunner discloses (g) repeating steps (b) through (f) if the plugging indication is less than the maximum density representing a solid screening [column 7, line 68; column 8, lines 1-9].

8. Claims 1-6, 8, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfeiffer (US Patent 5,122,977).

Regarding claims 1 and 15, Pfeiffer discloses a method for print screen tonal control compensation [3; column 1, lines 7-10] on a printing press [column 1, line 8], the a method comprising the steps of:

providing a test screening pattern [2] having a plurality of predetermined screening densities including a maximum screening density [column 2, lines 63-65],

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causing the printing press to print the test screening pattern in ink [6];

measuring an ink density [column 4, lines 62-63] of at least a portion of the printed test screening pattern using a densitometric meter [9 (spectrometer is the same as an ink density measuring device)];

comparing the measured ink density of the printed test screening pattern [column 2, lines 24-28] to the test screening pattern [column 2, lines 24-28] to obtain a plugging indication [column 2, lines 33-37] representative of the ink density of the printed test screening at which the printed test screening pattern exceeds that representing by a solid screening [column 2, lines 33-37]; and

adjusting the printing press in accordance with the plugging indication [column 2, lines 38-49].

Regarding claim 2, Pfeiffer discloses wherein the maximum screening density represents a solid screening [column 2, lines 38-49].

Regarding claims 3 and 17, Pfeiffer discloses wherein the printing press prints for a particular paper [6] and a particular ink type and wherein the step of providing a test screening pattern further comprises the step of selecting the test screening pattern in dependence upon at least one of the particular paper and the particular ink [column 4, lines 53-55].

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Regarding claims 4 and 18, Pfeiffer discloses wherein the step of providing a test screening pattern further comprises the step of generating the test screening pattern on a computer [column 1, line 9].

Regarding claim 5, Pfeiffer discloses wherein the compensation is undertaken a number of times [column 5, lines 15-21].

Regarding claim 6, Pfeiffer discloses wherein the compensation is undertaken until the plugging indication is not less than the maximum screening density of the test screening pattern [column 5, lines 22-29].

Regarding claim 8, Pfeiffer discloses wherein the densitometric meter is one of a photospectrometer, densitometer, or combination thereof [9].

Regarding claim 15, Pfeiffer discloses (g) repeating steps (b) through (f) if the plugging indication is less than the maximum density representing a solid screening [27-37].

Allowable Subject Matter

9. Claims 7 and 16 is objected to as being dependent upon a rejected base claim, but would be allowable if:

- a. rewritten to overcome the objection(s), set forth in this Office action; and
- b. rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7 and 16, the prior art of record does not teach all the combined steps for a method for print screen tonal control compensation on a printing press, including the step of creating a density curve for each of the ink densities of the printed test screening pattern above the plugging indication, wherein the density curve represents a screening value sufficiently reduced to cause the printing press to print the test screening pattern without reaching the plugging indication prior to a solid screening of the printed test screening pattern.

10. Claims 9-14 and 19-22 would be allowable if rewritten to overcome the objection(s), set forth in this Office action.

Regarding claim 9, the prior art of record does not teach all the combined steps for a method of calibrating a printing press, including the step of creating a density curve for each of the predetermined screening densities of the printed test screening pattern above the plugging indication, wherein the density curve represents a screening value sufficiently reduced to cause the printing press to print the test screening pattern without reaching the plugging indication', and creating a production printing plate to cause the printing press to print the generated test screening pattern in combination with the density curve.

Regarding claim 19, the prior art of record does not teach all the combined components and or elements for a print screen tonal control and compensation system, including the controller being programmed to create a density curve for each screening density not less than

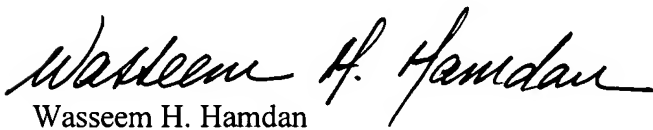
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the plugging indication, and the controller being programmed to apply the density curve to the test screening pattern.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wasseem H. Hamdan

October 5, 2004